

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KIETH DAVIS, :
Plaintiff, :
v. :
THE CITY OF PHILADELPHIA, et al., :
Defendants. :
: :
: :
: :
CIVIL ACTION NO. 19-CV-2905

ORDER

AND NOW, this 27th day of August, 2019, upon consideration of Plaintiff Keith Davis's filing titled "The Order and Memorandum of Law of July 23, 2019, by the U.S. Third Circuit Judge Jeffrey L. Schmehl, is Void," (ECF No. 5), which the Court has construed as a motion and Amended Complaint it is **ORDERED** that:

1. The motion is **DENIED** for the reasons discussed in the Court’s Memorandum.
2. The Amended Complaint is **DISMISSED without prejudice** for the reasons stated in the Court’s Memorandum.
3. Davis is given leave to file a second amended complaint within thirty (30) days of the date of this Order with regard to the conditions of his confinement at PICC and/or the 2018 prosecution that ended in his acquittal. Any individual or entity that is not listed in the caption of the second amended complaint will not be treated as a defendant. Any second amended complaint must be a complete document that describes in detail the basis for Davis’s claims against each defendant. Any second amended complaint should not seek relief for harm caused to anyone other than Davis or raise claims that are barred by absolute immunity. If Davis files a second amended complaint, the Clerk shall not make service until so **ORDERED**.
4. If Davis fails to file a second amended complaint, this case may be dismissed without

further notice.

5. The Clerk of Court shall **AMEND** the docket to reflect that Plaintiff's name is spelled Keith Davis.

BY THE COURT:

/s/ Jeffrey L. Schmehl

JEFFREY L. SCHMEHL, J.
